

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1937



ENROLLED

SENATE BILL No. 21

(By Mr. Barnhart.)



PASSED March 3rd 1937

In Effect from **Passage**

#2

ENROLLED
Senate Bill No. 2

(By MR. BARNHART)

[Passed March 3, 1937; in effect from passage.]

AN ACT to regulate the assignment of the assets of an insolvent debtor to a trustee for the benefit of all of his creditors; to prescribe the rights, powers and duties of trustees thereunder, the powers and duties of commissioners of accounts and clerks of county courts in connection therewith; to provide for the proof, allowance and payment of secured and unsecured claims against such debtors; to regulate the sale of the assets assigned thereby; to authorize the payment of the costs and expenses of administration and the payment of dividends to the persons entitled thereto, and for said purposes to repeal sections fourteen, fifteen, sixteen,

seventeen and eighteen, article one, chapter thirty-eight of the code of West Virginia, one thousand nine hundred thirty-one, and to enact a new article of said chapter thirty-eight to be known as article thirteen thereof.

Be it enacted by the Legislature of West Virginia:

That sections fourteen, fifteen, sixteen, seventeen and eighteen, article one, chapter thirty-eight of the code of West Virginia, one thousand nine hundred thirty-one, be repealed, and that a new article, to be known as article thirteen, be added to said chapter thirty-eight, as follows:

Section 1. Every assignment, conveyance or transfer made
2 by an insolvent debtor to a trustee which is intended to
3 operate as an assignment of all of such debtor's property
4 for the benefit of all of his creditors, or of all such property
5 except what is exempt from execution or other process,
6 shall be in writing, and shall specifically state therein the
7 residence and kind of business carried on by such debtor
8 at the time of making the assignment, the place at which
9 such business was conducted, and the name, residence
10 address and place of business of the trustee and there
11 shall be annexed thereto a statement of the assets of the

12 debtor and the location thereof, and a list of the names
13 and addresses of his creditors.

14 Every such assignment, conveyance or transfer shall be
15 duly acknowledged before an officer authorized to take
16 the acknowledgment of deeds and shall be recorded in
17 the office of the clerk of the county court of the county
18 in which the principal place of business of the debtor is
19 situated; when real property is a part of the property
20 assigned and is situated in a county other than the one
21 in which the original assignment is required to be re-
22 corded, a certified copy of such assignment shall be filed
23 and recorded in the county where such property is situ-
24 ated. The assent of the trustee, subscribed and acknowl-
25 edged by him, shall appear in writing embraced in or at
26 the end of, or endorsed upon the assignment, before the
27 same is recorded. In all cases where an assignment is
28 made by a corporation the right to recover the amount
29 due from stockholders on unpaid capital stock issued to
30 or subscribed by them shall pass to the trustee whether
31 mentioned in the assignment or not.

32 No such assignment, conveyance or transfer shall be valid

33 and no title to the property assigned, conveyed or trans-
34 ferred shall vest in the trustee unless the same be executed
35 as hereinabove provided and unless the same be recorded
36 within five days after the date of the execution thereof.
37 The clerk shall record such instruments in the deed books
38 in his office, and shall also keep them on file in his office.

Sec. 2. Before the trustee shall have any power or
2 authority to sell, dispose of or convert to the purposes of
3 the trust any of the assigned property he shall qualify
4 as such by taking an oath and giving a bond in a penalty
5 double the amount of the estate, with a solvent surety com-
6 pany as surety, before the clerk of the county court of
7 the county in which such assignment, conveyance or trans-
8 fer has been recorded. The oath of the trustee shall be
9 that he will faithfully perform the duties of the office
10 of trustee to the best of his skill and judgment, and will
11 account for and pay over all money that comes into his
12 hands as such trustee. The bond of the trustee shall be
13 approved by the clerk, shall be conditioned that the trustee
14 shall faithfully perform the duties of trustee to the best
15 of his skill and judgment and account for and pay over

16 all money that may come into his hands as trustee, and
17 shall be filed in the office of the clerk. At any time after
18 the giving of such bond the clerk may, upon his own
19 motion, or upon the application of any party in interest,
20 and on five days' notice given to the assignor, trustee and
21 surety, increase the amount of the bond or require further
22 security to be given, whenever in his judgment the penalty
23 of the bond or the security afforded by it is not ade-
24 quate.

Sec. 3. Upon the qualification of the trustee the clerk
2 shall refer the estate to a commissioner of accounts of
3 the county, provided, that in counties where there are two
4 or more such commissioners, such estates shall be referred
5 to such commissioners in rotation; and the clerk shall
6 appoint three disinterested appraisers to appraise all the
7 property belonging to the estate and, within seven days
8 after their appointment, they shall make to the commis-
9 sioner a report thereof in writing duly sworn to.

Sec. 4. Within ten days after the recordation of an
2 assignment, conveyance or transfer the trustee shall cause
3 to be made and filed with the clerk of the county court

4 of the county where the same is recorded a schedule con-
5 taining:

6 1. The name, occupation, place of residence and place
7 of business of the debtor;

8 2. A full and true account of all the creditors of the
9 debtor, stating the last known place of residence of each,
10 if known, or if unknown, the fact to be stated; the sum
11 owing to each, with the true cause and consideration there-
12 of; and a full statement of any existing security for the
13 payment of the same;

14 3. A full and true inventory of all the debtor's estate
15 at the date of the assignment, both real and personal,
16 in law and in equity, with the liens and encumbrances
17 existing thereon. The trustee shall verify the schedule so
18 made by him to the effect that the same is in all respects
19 just and true to the best of his knowledge and belief,
20 and shall state the sources of his information and the
21 grounds of his belief. The trustee shall at the same time
22 file a duplicate of the said schedule with the commissioner
23 of accounts to whom the estate has been referred. In case
24 said trustee shall be unable to make and file such schedule,

25 within ten days, the commissioner may, upon application
26 under oath, showing such inability, allow him such further
27 time as shall be necessary, not exceeding thirty days. If the
28 trustee fails to make and file such schedule within said
29 ten days or such further time as may be allowed, the com-
30 missioner shall require, by order, the trustee forthwith to
31 appear before him, and show cause why he should not
32 be removed, and, if good cause be not shown, such trustee
33 shall be removed and a meeting of the creditors shall be
34 called by the commissioner, at which meeting a substitute
35 trustee shall be elected. Any person interested in the
36 trust estate may apply for such order and demand such
37 removal.

Sec. 5. Within ten days after the filing of the schedule
2 the trustee shall cause to be published once a week for
3 two successive weeks in some newspaper published in the
4 county, or, if there be no newspaper published in the
5 county, in some newspaper having general circulation in
6 the county, in which the assignment, conveyance or trans-
7 fer was recorded, a notice reading substantially as follows:
8 "To the Creditors of.....:

9 Take notice that a general assignment for the benefit of
10 creditors was made by the above named debtor to.....
11, Trustee, on.....,
12 and that said assignment has been duly recorded in the
13 office of the Clerk of the County Court of.....
14 County.

15 All persons having claims against the said debtor are
16 hereby notified that the same shall be presented to the
17 undersigned Trustee on or before.....

18 The estate has been referred to.....,
19 Commissioner of Accounts, and the first meeting of the
20 creditors will be held in his office at.....,
21 in.....County, West Virginia, on.....
22, at..... o'clock M.

23 Dated this day of.....

24 (Signed)....., Trustee.

25 (Address of Trustee).....''

26 A copy of the said notice shall be mailed by the trustee
27 on or before the date of the first publication thereof to
28 every creditor whose name appears in the schedule or of
29 whom the trustee has notice, to the assignor and to the

30 commissioner of accounts, and an affidavit evidencing such
31 mailing and publication shall be filed by the trustee with
32 the commissioner.

Sec. 6. The trustee shall specify in the notice a date
2 on or before which claims shall be presented to him, which
3 date shall be not less than thirty days nor more than
4 sixty days after the date of the first publication of the
5 notice, and no claim filed with the trustee after the date
6 specified in the notice shall be recognized or allowed, ex-
7 cept that if a surplus remain after the payment of the
8 claims presented on or before the date specified such sur-
9 plus shall be applied to the payment of the claims pre-
10 sented after that date. Claims of creditors shall be item-
11 ized, accompanied by proper vouchers, and verified by the
12 affidavit of the creditor or his duly authorized agent, stat-
13 ing the character of the claim, whether open account,
14 note, bond, bill, writing obligatory, judgment, decree or
15 other evidence of debt, and the amount thereof, and from
16 what date and on what items interest runs and at what
17 per cent per annum, and stating further that the claim is
18 just and true, and that the creditor, or any prior owner

19 of the claim, if such there was, has not received any part
20 of the money stated to be due, or any security or satis-
21 faction for the same, except what is credited. The vouchers
22 for a judgment or decree shall be an abstract thereof; for
23 a specialty, bond, note, bill of exchange, writing obliga-
24 tory, or other instrument, shall be the instrument itself.
25 or a true copy thereof, verified by the commissioner of
26 accounts, or proof of the same in case the instrument be lost;
27 and for an open account, an itemized copy of the account. A
28 surety may prove a claim of a creditor which he has
29 secured when such creditor fails or refuses to do so.
30 Every claim so itemized, so accompanied by proper vouchers,
31 and so verified, shall be taken to be proved and shall be
32 allowed unless, before the trustee shall make up his report
33 of claims, the assignor or a creditor or any party in in-
34 terest shall file before the trustee a counter-affidavit, deny-
35 ing the claim in whole or in part; and when such counter-
36 affidavit is so filed the trustee shall at once refer the claim
37 to the commissioner who shall at the request of the claimant
38 fix a time and place for hearing evidence of and against
39 such claim and give reasonable notice of such time and

40 place to the claimant and the party objecting. All hear-
41 ings on disputed claims shall be completed within seven
42 days after the last day on which claims may be presented
43 to the trustee, unless for good cause shown the commis-
44 sioner extends the time for such hearings.

Sec. 7. Creditors holding valid liens of the following
2 character on property belonging to the estate, to-wit, vendor's
3 lien reserved in a deed duly recorded; lien created by deed
4 of trust or mortgage, duly recorded, on real or personal
5 property; judgment lien on real estate, duly docketed in
6 the county in which the real estate is situated; lien on
7 personal property created by execution, duly docketed in
8 the county in which the property is located; reservation
9 of title contained in conditional sales contract, duly filed,
10 need not file proof of their said secured claims with the
11 trustee, and in the event they do not do so the property
12 affected shall be sold by the trustee subject to any such
13 liens; but if said creditors file proofs of their secured
14 claims with the trustee and request that the property
15 affected shall be sold by the trustee free of said liens,
16 and deliver to the trustee a consent in writing, duly ac-

17 knowledge in the manner provided for the acknowledg-
18 ment of releases of liens, the trustee may, if he deems it
19 in the best interest of the estate, record said consent in
20 the release book in the office of the clerk of the county
21 court of the county in which the property is located, and
22 sell the property free and clear of the said lien, but the
23 said lien shall attach to the proceeds of the property at
24 the sale, and the trustee shall pay the said proceeds to
25 the secured creditor to the amount of the secured claim,
26 without any deduction for costs of administration. Creditors
27 holding landlord's liens and other liens not included in
28 those mentioned above shall file proof of their claims in
29 the manner and within the time prescribed for proving
30 unsecured claims, otherwise they shall not be recognized
31 or allowed; but if they are properly filed the lien shall
32 attach to the proceeds of the sale of the property covered
33 thereby. The trustee may sell property belonging to the
34 estate subject to delinquent taxes, or may sell free of taxes,
35 and pay the same, but no proof of delinquent taxes need
36 be filed with the trustee.

Sec. 8. The commissioner of accounts shall preside over

2 the first meeting of the creditors which shall be held not less
3 than ten nor more than twenty days after the date of the first
4 publication of the notice thereof by the trustee. The
5 assignor and the trustee shall attend the meeting, and
6 either or both of them may be publicly examined at the
7 meeting at the instance of any creditor. The creditors
8 shall at the meeting take such steps as may be pertinent
9 and necessary for the promotion of the best interests of
10 the estate, and the meeting may be adjourned from time
11 to time if the creditors see fit. If a majority in number
12 and amount of all the unsecured creditors of the assignor,
13 including those absent as well as those present, desire that
14 the trustee named in the assignment shall not serve, at
15 the first meeting of the creditors such a majority may
16 elect a substitute trustee who shall have all the rights,
17 powers and duties conferred upon the trustee named in the
18 assignment. The substitute trustee shall qualify by taking the
19 oath and giving a proper bond before the clerk, and a
20 copy of the order appointing the substitute trustee shall
21 be recorded in each county in which the assignment is
22 recorded. Creditors may be represented at meetings by

23 their agents, employees, or attorneys, duly authorized in
24 writing.

Sec. 9. At the first meeting of the creditors a majority in
2 number and amount of the creditors present may prescribe
3 in what manner and on what terms the property belonging
4 to the estate shall be sold, and the trustee shall not sell, or
5 otherwise dispose of, any property belonging to the estate
6 prior to the first meeting of the creditors, unless expressly
7 authorized to do so by the commissioner of accounts after
8 good cause therefor has been shown. The trustee shall not
9 sell or otherwise dispose of, the property belonging to the
10 estate for less than seventy-five per cent of its appraised
11 value without the approval of the commissioner. The trustee
12 may compromise or compound any claim or debt belonging
13 to the estate with the approval of the commissioner. All
14 sales by the trustee shall be made at public auction, unless
15 otherwise ordered by the commissioner or authorized by the
16 creditors. The trustee shall give at least ten days' notice
17 by mail to all of the creditors of the time and place of
18 sale of any property belonging to the estate of the value
19 of five hundred dollars, or more, and shall advertise the

20 sale once a week for two successive weeks in some news-
21 paper published in the county, if there be one, unless such
22 notice and advertisement are waived by the creditors at
23 their first meeting. Upon application to the commissioner,
24 and for good cause shown, the trustee may be authorized
25 to sell any portion of the estate at private sale, in which
26 case he shall keep an accurate record of each article sold,
27 the price received therefor and to whom sold, which
27a account he shall file with the commissioner. Upon applica-
28 tion by the trustee or a creditor setting forth that a part or
29 the whole of the estate is perishable, the nature and location
30 of such perishable property, and that there will be loss if the
31 same is not sold immediately, the commissioner, if satisfied,
32 of the facts stated and that the sale is required in the inter-
33 ests of the estate, may order the same to be sold without
34 notice or with such notice as he may direct. Upon appli-
35 cation by the trustee or a creditor setting forth that it is for
36 the best interests of the estate that the trustee continue to
37 operate the business, the commissioner may authorize the
38 trustee to operate the business until the first meeting of the
39 creditors, at which meeting a majority in number and amount

40 of the creditors present shall determine whether such opera-
41 tion is to be continued thereafter.

Sec. 10. Within ten days after the last day on which
2 claims may be presented to him the trustee shall file with
3 the commissioner of accounts a report showing the names
4 of the creditors whose claims have not been contested and
5 who have filed proper proofs of claims, and the amounts
6 thereof; the names of the creditors whose claims have been
7 contested, and the amounts thereof; the disposition he has
8 made of the property belonging to the estate; the costs and
9 expenses he has incurred; the amount of money he has on
10 hand and the name of the bank in which it is deposited; the
11 property of the estate not disposed of and his plans for dispos-
12 ing of the same. The trustee shall attach to said report all
13 proofs of claims, vouchers, exhibits, accounts, writings,
14 affidavits and counter-affidavits which have been filed with
15 him. The trustee shall at once notify each creditor who
16 has presented a claim that the report has been filed, and
17 that a meeting of the creditors will be held before the
18 commissioner on a date specified in the notice, which date
19 shall not be less than five days after the notice is mailed

20 nor more than ten days after the report is filed.

Sec. 11. At the meeting of the creditors held following the
2 filing of the trustee's report the commissioner of accounts shall
3 file a report showing how much, if anything, he has allowed
4 on each of the disputed claims. Any party interested may,
5 within ten days thereafter, appeal from the decision of the
6 commissioner to the circuit court of the county without any
7 formal bill of exceptions, and the appeal shall be tried and
8 heard in the circuit court, or before the judge thereof in vaca-
9 tion, on the record made before the commissioner. At the
10 same meeting the commissioner shall approve such expendi-
11 tures, costs and expenses as he may find necessary and proper
12 in the administration of the estate; shall direct the payment of
13 proper fees and commissions; shall direct the trustee to dis-
14 tribute the funds in his hands belonging to secured creditors;
15 and shall direct the trustee to pay a dividend of an equal
16 per centum on all allowed claims, except such as have priority
17 or are secured. A secured creditor whose claim is in excess
18 of the security held may share in such dividend on such excess
19 only. The trustee shall not pay such dividend until the time
20 has expired within which an appeal may be taken from the

21 decision of the commissioner on a disputed claim, and if
22 any such appeal is pending the trustee shall retain in his
23 hands sufficient money to pay the same dividend thereon,
24 should the claim be allowed on appeal, and shall distribute
25 the remainder to the creditors entitled thereto. After pay-
26 ing any dividend the trustee shall file with the commissioner
27 a copy of a dividend sheet showing to whom the dividend
28 was paid. If all of the property belonging to the estate
29 has not been disposed of at the time of said meeting, the
30 trustee shall from time to time make further reports to the
31 commissioner, and the commissioner may direct the trustee
32 to pay further costs, expenses, fees and dividends. Divi-
33 dends which are unclaimed for six months shall be dis-
33-a tributed among the remaining creditors whose claims have
34 been allowed. After the trustee has disposed of all the prop-
35 erty belonging to the estate, and has paid out all of the funds
36 which have come into his hands, he shall without delay make
37 a final report in duplicate to the commissioner showing all
38 his receipts and disbursements, and if the commissioner finds
39 the same correct and approves it, the commissioner shall
40 enter an order discharging the trustee, a copy of which order

41 the commissioner shall furnish to the surety on the bond of
42 the trustee, and the commissioner shall transmit a copy of
43 said order and a copy of the final report of the trustee to the
44 clerk of the county court to be filed.

Sec. 12. It shall be the duty of the trustee to collect and
2 reduce to money the property belonging to the estate; to keep
3 all funds belonging to the estate on deposit in a sound bank;
4 to report promptly to the creditors any claims presented to
5 him which are not provable or are incorrect or false so that
6 counter-affidavits may be filed thereto; to file the reports and
7 give the notices herein provided for; to close up the estate as
8 expeditiously as possible; to furnish such information con-
9 cerning the estate as may be requested by parties in interest;
10 to keep regular accounts; to pay dividends as often as is
11 compatible with the best interests of the estate. The trustee
12 shall, as to all property transferred by the assignment, be
13 deemed vested with all the rights, remedies and powers of a
14 creditor holding a lien thereon by legal or equitable pro-
15 ceedings. The trustee shall be a resident of West Virginia,
16 and shall not occupy the position of relative, creditor, attor-
17 ney, agent or employee to the assignor, nor an officer of the

18 assignor, if the assignor be a corporation, and if an assign-
19 ment, conveyance or transfer be made to such a person it
20 shall not for that reason be void, but shall be deemed to be
21 for the benefit of all the creditors of the assignor, and the
22 clerk, at the request of any party in interest, may refer the
23 estate to a commissioner of accounts who shall proceed to
24 call a meeting of the creditors, at which meeting a majority
25 in number and amount of the creditors present shall elect
26 a substitute trustee. Upon the petition of one or more
27 creditors showing misconduct or incompetency of the
28 trustee, or on the petition of the trustee himself, showing
29 sufficient reason therefor, and after due notice of not less
30 than five days to the assignor, trustee, the surety on the
31 bond of the trustee, and the creditors whose claims have
32 been filed with the trustee, the commissioner may, after
33 hearing the parties in interest, remove or discharge the
33-a trustee; and in that event a majority in number and amount
34 of the creditors present shall elect a substitute trustee. If the
35 trustee shall die or become unable to act the commissioner
36 shall call a meeting of the creditors whose claims have been
37 filed with the trustee, after notice of not less than five days,

38 and a majority in number and amount of the creditors present
39 at the hearing shall elect a substitute trustee.

Sec. 13. Commissioners of accounts shall have power to
2 preside over all meetings of creditors; to preside over all
3 examinations of the assignor or trustee; to allow and dis-
4 allow all claims presented to them for determination; to
5 administer oaths to witnesses; to issue subpoenas for the at-
6 tendance of any person for examination; to examine ac-
7 counts filed by trustees hereunder, to hear and determine
8 any objections thereto, and to surcharge any trustee for any
9 moneys improperly expended or for which the trustee shall
10 have failed to account; to authorize the business of the
11 assignor to be conducted for limited periods by the trustee
12 if necessary in the best interests of the estate; to re-open
13 estates whenever it appears that they have been closed
14 before being fully administered; to authorize a trustee to
15 bring an action, which he is hereby empowered to maintain,
16 against any person who has received, taken, or in any
17 manner interfered with the estate, property or effects
17-a of the debtor, in fraud of his creditors, and which might
18 have been avoided by a creditor of the assignor, and the

19 trustee may recover the property so transferred or its value;
20 to require or allow any inventory or schedule filed to be
21 corrected or amended, and require and compel from time to
22 time supplemental inventories or schedules to be made and
23 filed; to determine the excess of the claims of secured creditors
24 over and above the value of the securities held by them; to
25 require the trustee to render and file the accounts and reports
26 herein provided for; to authorize and approve the payment of
27 costs, expenses, fees and commissions; to declare dividends;
28 to discharge the trustee and his surety after the trustee has
29 properly completed the performance of his duties; to authorize
30 the appointment of an attorney for the trustee if necessary
31 in the best interests of the estate.

Sec. 14. The assignor shall comply with all lawful orders
2 of the commissioner of accounts, examine the correctness of
3 all claims presented against the estate if ordered by the
4 commissioner so to do, and if any are incorrect or false noti-
5 fy the trustee thereof immediately; deliver to the trustee all
6 his books, papers and records; execute and deliver such
7 papers relating to the estate as shall be ordered by the com-
8 missioner; execute and deliver to the trustee proper trans-

9 fers of all his property outside the state of West Virginia;
10 attend the first meeting of the creditors; and submit to an
11 examination under oath concerning the conduct of his
12 business, the cause of his inability to pay his debts, his
13 dealings with his creditors and other persons, the amount,
14 kind and whereabouts of his property, and all matters
15 which may affect the administration and settlement of his
16 estate, but no testimony given by him shall be offered in
17 evidence against him in any criminal proceedings. The
18 books and papers of the assignor shall at all times be sub-
19 ject to the inspection and examination of any creditor.

Sec. 15. The commissioner of accounts shall certify the
2 facts to the circuit court of the county if any person shall
3 disobey or resist any order, process, or writ which may be
4 issued, or misbehave during any hearing, or neglect to
5 produce, having been ordered to do so, any pertinent docu-
6 ments, or refuse to appear, take the oath, or be examined
7 according to law, after having been subpoenaed. Upon
8 the filing of such certificate by any commissioner the judge
9 shall in a summary manner hear the evidence of the acts
10 complained of, and, if it is such as to warrant him in so

11 doing, he may punish such person in the same manner and
12 to the same extent as for a contempt committed before the
13 court.

Sec. 16. Trustees shall be allowed their reasonable and
2 necessary disbursements for the costs and expenses, and shall
3 receive for their services commissions on all moneys disbursed
4 or turned over by them to any person, not including lien-
5 holders or secured creditors, which commissions shall be five
6 per centum on the first five thousand dollars or less, two per
7 centum on moneys in excess of five thousand dollars and less
8 than ten thousand dollars, and one per centum on moneys in
9 excess of ten thousand dollars, but the commission in no
10 case shall be less than twenty-five dollars. Commissioners
11 of accounts shall be allowed their reasonable and necessary
12 disbursements for costs and expenses, and shall receive
13 for their services commissions on all moneys disbursed or
14 turned over by the trustees to any person, not including
15 lien-holders or secured creditors, which commissions shall
16 be one per centum on the first five thousand dollars or less,
17 and one half of one per centum on moneys in excess of five
18 thousand dollars, but the commission in no case shall be

19 less than fifteen dollars. Appraisers shall receive for their
20 services a fair and reasonable allowance which shall be
21 fixed by the commissioner upon a petition therefor showing
22 the amount of time spent by the appraisers in the per-
23 formance of their duties. Attorneys for the trustee shall
24 receive for their services a fair and reasonable allowance
25 which shall be fixed by the commissioner upon petition
26 showing the services rendered by them.

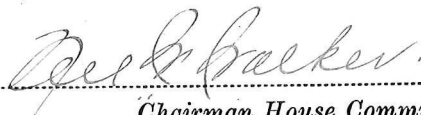
Sec. 17 The sections, provisions and clauses of this act
2 shall be deemed separable each from the other, and if any
3 separable part of this act be, or be held to be unconstitutional
4 or for any reason invalid or unenforceable, the remaining
5 parts thereof shall be and remain in full force and effect.

Sec. 18. Sections fourteen, fifteen, sixteen, seventeen and
2 eighteen, article one, chapter thirty-eight of the code of
3 West Virginia and all other acts and parts of acts inconsistent
4 with this act are hereby repealed, (and this act shall be known
5 as article thirteen of chapter thirty-eight of the code of West
6 Virginia.)

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.



Chairman Senate Committee



Chairman House Committee

Originated in the.....

Takes effect..... passage.



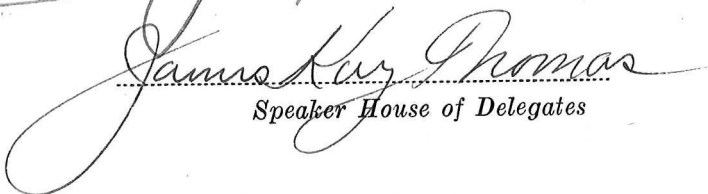
Clerk of the Senate



Clerk of the House of Delegates



President of the Senate



Speaker House of Delegates

The within..... this the.....

day of....., 1937.

.....
Governor

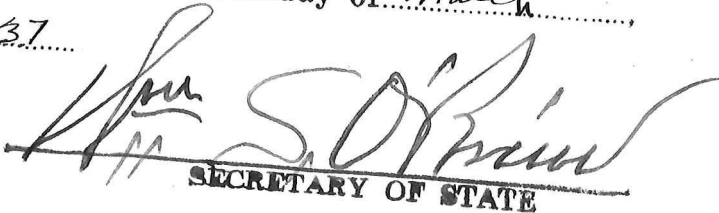
Filed in the office of the Secretary of State
of West Virginia. **MAR 12 1937**

Wm. S. O'BRIEN,
Secretary of State

I certify that the foregoing act,
having been presented to the Governor for
his approval, and not having been returned
by him to the House of the Legislature in
which it originated within the time pre-
scribed by the constitution of the state, has
become a law without his approval.

this the 12th day of March,

1837.....


SECRETARY OF STATE